

A RESOLUTION BY

Howard Shook

04- R-0938

COUNCILMEMBER HOWARD SHOOK

AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$ _____ AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS _____ PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experience a violation to the CSO Consent Decree set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund, Account and Center Number 2J01-529017-Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the Chief Financial Officer of the City is authorized to issue checks payable in the amount of \$ _____ to the **State of Georgia** and in the amount of \$ _____ to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection

Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

Section 2: That said payments be charged to and paid from Fund, Account and Center Number 2J01 529017 Q31001.

EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, per Section _____ as follows:

CSO Consent Decree Section

Date	Facility	Colonies/100 ml	Penalty	Comment
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#17

04-R-0938

(Do Not Write Above This Line)

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AGENCY (EPA) AND THE ENVIRONMENTAL
PROTECTION DIVISION OF THE DEPARTMENT OF
NATURAL RESOURCES OF THE STATE OF GEORGIA
(EPD) IN THE AMOUNT OF \$
STIPULATED PENALTIES FOR THE VIOLATION OF
FECAL COLIFORM OPERATIONAL STANDARDS
PURSUANT TO THE
CONSENT DECREE, CIVIL ACTION FILE NO.
1:95-CV-2550-IWT; TO IDENTIFY THE SOURCE OF
FUNDING; AND FOR OTHER PURPOSES.

First Reading

Committee

Date

Chair

Referred To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Date Referred

5/17/04

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

MAYOR'S ACTION